HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.12065 of 1997

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Between:

The A.P. Dairy Development Corporation
Federation Limited, Lalapet, Hyderabad,
Rep., by its Senior Personnel Officer

……Petitioner

And

The Agriculture Market Committee, Hyderabad,
New Osmangunj, Hyderabad, rep., by its
Secretary and four others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri N.Rajeswar Rao

Counsel for Respondent Nos.1 to 3 : Shri K.Madhava Reddy

November 17, 2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed as under:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents seeking to collect the market fee at 1% on the sale of 'Ghee' and also insisting the petitioner to obtain licence and maintain records under the A.P. (Agricultural Produce & Livestock) Markets Act, 1966 as illegal, arbitrary and without jurisdiction and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case".

Arguments in this case were heard on 06-11-2006 and the case was adjourned to 13-11-2006 for further hearing. However, the matter could not be taken up on 13-11-2006 due to heavy rush of work.

Today, Shri N.Rajeswar Rao, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to file fresh one for grant of similar relief and also for quashing G.O.Ms.No.286, Agriculture and Cooperation (Marketing I) Department, dated 05-07-1994.

Shri K.Madhava Reddy, learned counsel for respondent Nos.1 to 3 pointed out that the validity of G.O.Ms.No.286 dated 05-07-1994 has already been upheld by the Division Bench of this Court in **Chodavaram Co-op Sugars Ltd., v. State of A.P**[1]. In reply, learned counsel for the petitioner submitted that his client would like to challenge G.O.Ms.No.286 on other available grounds and he will convince the Court that the judgment of the Division Bench requires re-consideration.

Without commenting on the last mentioned submission of the learned counsel for the petitioner, we deem it proper to accept his request and dismiss the writ petition as withdrawn with liberty to his client to file fresh petition.

As a sequel to dismissal of the writ petition as withdrawn, interim order dated 25-06-1997 shall stand vacated and WPMP Nos.14495 of 1997 and 23573 of 1999 filed by the petitioner shall stand dismissed. Now respondent Nos.1 to 3 shall be free to recover the arrears of market fee with interest subject to the right to the petitioner to seek interim relief from the Court.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

17-11-2006
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[1] 1997 (3) ALD 704